UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/882,203	06/15/2001	Leonard R. Bayer	HAR-003	8016

7590   02/08/2007

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EXAMINER
WRIGHT, JAMES B

ART UNIT	PAPER NUMBER
3693	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/08/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

PTOL-90A (Rev. 10/06)

	Office Action Summary	**Application No.** 09/882,203	**Applicant(s)** BAYER ET AL.
		Examiner J. Bradley Wright	**Art Unit** 3693

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>08 November 2006</u>.

2a) ☐ This action is **FINAL**.   2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *25-29, 40 and 42-46* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) *25-29, 40 and 42-46* is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All   b) ☐ Some * c) ☐ None of:

      1. ☐ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____.

      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

Acknowledgements

1.   The examiner for this application has changed. Please indicate Examiner

J. Bradley Wright as the examiner of record in all future correspondences.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2.   Claims 25-29 and 42-45 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Helot, et al. (US Patent Application Publication No. 2002/0169675),

in view of Cansler et al. (US Patent No. 6,725,257).

3.   Regarding claim 25 and 42, Helot discloses a method for enabling product

configuration market research comprising the steps of:

• market research software which when executed by computer systems enables

each user of said computer systems to select the features of a product configuration

(Figures 6-11, and paragraphs 0056 – 0066);

• displaying via said market research software a total price value of the product

at each of said computer systems in accordance with price values of said selected

features separate from the operation of said network addressable site (item 605 in

Figure 6, and paragraphs 0059 – 0065);

- updating said displayed total price value in accordance with changes in said

selected features separate from the operation of said network addressable site

(paragraph 0066);

- returning information via said network to said network addressable site having

data representing at least said features selected when the user of each of said

computer systems has completed the configuration of the product (item 640 in Figure 6,

and paragraph 0041 and 0065); and

- determining at least one of new product, product configuration, pricing, or

segmentation in accordance with said information (paragraph 0041).

The Examiner notes that Helot explicitly discloses the collection of statistical data

regarding the users selections for the purposes of market research (paragraph 0041).

Helot further discloses that several of the program modules may be located on the client

instead of the server in order to place more processing load on the client (paragraph

0042). However, Helot does not explicitly disclose sending the market research

software from a network addressable site, via a network, to one or more computer

systems or that the user selects features of a product configuration not available via the

software for purchase.

Cansler, in an analogous art, discloses a computationally efficient process for

configuring a product over a computer network (column 1, lines 7-11) that includes the

use of client-side processing to reduce the load on the server by shifting processing to

the client. In particular, Cansler discloses that it is old and well-known in the art to transfer essentially all of the computation involved to the client machine instead of the server by utilizing client-side processing in order to increase server efficiency by having the server do very little computation permitting the server to handle a very large number of client requests without becoming overwhelmed (see column 2, lines 3 – 12). Cansler discloses that such client-side processing can be acheived when the user uses the client machine to access the server, and the server downloads an independently executable module (for example, a Java applet, a browser plug-in or an Active X component) onto the client, so that the user can then use the executable module running on the client to configure the product (see column 2, lines 14 – 19). Cansler further discloses that the configuration system may not be coupled with an on-line ordering system (Figure 1 and column 4, lines 64-67).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Helot to download the program modules as an independently executable module (such as a Java applet) for configuring a product that may or may not be available via the software for purchase, in order to increase the server efficiency by utilizing client-side processing for configuring the products, as taught by Cansler.

4.   Regarding claim 26 and 43, Helot further discloses that one or more of said features has a plurality of subfeatures for selection by each user of said computer systems, said total price value of the product is further in accordance with the price

values of said selected subfeatures, and said data further represents said selected

subfeatures for said selected features (Figures 6-11, and paragraphs 0056 – 0066).

The Examiner notes that Helot discloses features (i.e. processors) and subfeatures (i.e.

processor speeds).

5.   Regarding claim 27 and 44, Helot further discloses the step of measuring elapse

time for each user of the computer systems to configure the product, and said

information further comprises data representing said elapse time (paragraph 0041).

6.   Regarding claim 28 and 45, Helot further discloses that said information further

comprises data representing said selected features and any changes in the selection of

said features by the user of each of said computer systems until said product

configuration is completed (paragraph 0041).

7.   Regarding claim 29, as discussed above, Cansler discloses that said information

may be unassociated with any real purchase of the product (column 4, lines 64-67.

8.   Claims 40 and 46 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Helot, in view of Cansler, and in further view of Robb, et al. (US Patent No.

6,952,716).

The combination of Helot and Cansler meet the limitations of claims 25 and 42,

as described above. However, neither Helot nor Cansler explicitly disclose sending a

survey having questions to each of said computer systems from the network
addressable site one of before, after, or before and after said step of sending market
research software, which enables the user of each of said computer systems to answer
said questions and to send answers to said questions to the network addressable site.

Robb, in an analogous art, discloses a method for presenting data over a
network based on network user choices and collecting real-time data related to said
choices (see Abstract) that permits a user to take a survey in association with the
configuration of various attributes of an on-line persona and saving the answers
provided by the users (Figure 11 and column 11, lines 52-61) for the purpose of
providing a less expensive, more efficient and more reliable means of capturing data on
users, consumers and products (column 2, lines 38 - 45).

Therefore, it would have been obvious to one of ordinary skill in the art at the
time the invention was made to modify Helot to include a survey before or after the
configuration process in order to provide a less expensive, more efficient and more
reliable means of capturing marketing data on users, consumers and products, as
taught by Robb.

Response to Arguments

9.   Applicant's arguments submitted on November 8, 2006 with respect to claims 25-
29, 40 and 42-46 have been considered but are moot in view of the new ground(s) of
rejection.

Conclusion

10.   The following prior art made of record and not relied upon is considered pertinent

to applicant's disclosure:

- Travis, et al. (US Patent Application Publication No. 2002/0010668) discloses

an online merchandising and marketing system;

- Lamb, et al. (US Patent No. 6,803,926) discloses a system and method for

dynamically adjusting data values and enforcing valid combinations of the data in

response to remote user input;

- Urpani (US Patent Application Publication No. 2004/0249719) discloses a

customer decision support at point-of-sale;

- Ly, et al. (US Patent Application Publication No. 2002/0178080) discloses a

web vehicle ordering system; and

- Barck, et al. (US Patent No. 7,003,548) discloses a method and apparatus for

developing and checking technical configurations of a product.
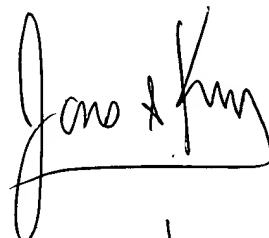

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to J. Bradley Wright whose telephone number is (571) 272-

5872. The examiner can normally be reached on M - F 8:30am - 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, James A. Kramer can be reached on (571) 272-6783. The fax phone

number for the organization where this application or proceeding is assigned is 571-

273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

jbw

James Kramer